

APPEAL NO. 041196  
FILED JULY 12, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 26, 2004. The hearing officer determined that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_, and had disability from January 26 through January 29, 2004. The hearing officer's determination on the compensable injury issue has not been appealed and has become final pursuant to Section 410.169.

The claimant appeals the disability determination, asserting that the doctors have not released her to return to work. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The hearing officer, in the Background Information section, recites the facts which led her to conclude the claimant, a temporary employment agency employee, sustained a compensable injury on Friday, \_\_\_\_\_. The claimant testified that she self medicated her injuries over the weekend, and that on Monday, January 26, 2004, her assignment at a convenience store was terminated and she was referred to a doctor after reporting a work-related injury. The claimant was seen by Dr. R on January 26, 2004, and was diagnosed as having a left knee contusion, left knee abrasion, and left wrist sprain. In a Work Status Report (TWCC-73), Dr. R released the claimant to return to temporary light duty with a 10-pound lifting, pulling, pushing restriction. The light duty release was expected to last until January 29, 2004, and the claimant was instructed to "[f]ollow up in three days for recheck." No light duty was available from the employer, and the claimant, after consulting an attorney began treating with Dr. C. The claimant did not return to Dr. R. Dr. C saw the claimant on January 29, 2004, and diagnosed a number of ailments including "Dislocation, Multiple Lumbar vertebrae" and took the claimant off work. The hearing officer commented that Dr. C's "report and off work notes were not credible given the mechanism of injury and Claimant's testimony" and determined that the claimant's disability, as defined in Section 401.011(16), ended on the date estimated by Dr. R.

The question of disability presented a question of fact for the hearing officer to resolve. The hearing officer, as the finder of fact is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. This is equally true of medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the

evidence and finding a limited period of disability. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Edward Vilano  
Appeals Judge